

IFW

P A T E N T

Attorney Docket No.

033035 M 146



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Tsukuru KATSUYAMA, et al.

U.S. Serial No.: 10/822,142

Filed: April 12, 2004

) **CONFIRMATION NO.: 1160**

) Group Art Unit: 2828

) Examiner: Dung T. Nguyen

For: SEMICONDUCTOR SURFACE EMITTING DEVICE

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir :

A response to the Office Action mailed July 7, 2006 is due by August 7, 2006. The Action required election among the following:

Species I, of claims 1-10, 12, 15-29, 31, and 34-37, directed to (AlGa)InP;

Species II, of claims 1-9, 11-12, 15-28, 30-31, and 34-37, directed to AlGaAs; and

Species III, of claims 1-9, 12-28, and 31-37, directed to "not containing Al."

Applicants hereby elect Species III, which corresponds to claims 1-9, 12-28, and 31-37, directed to "not containing Al," for examination in this application.

Applicants reserve the right to file divisional application(s) for any non-elected claims in due course.

It is submitted that this application now is in condition for examination on the merits and early action in that regard is solicited.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



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